

### **REMARKS**

The Office Action mailed September 15, 2009 has been carefully considered. Within the Office Action Claims 5, 7-11 and 19-25 have been rejected; and Claims 5, 22 and 25 have been objected to. The Applicant has amended Claims 5, and 19-22 and has cancelled Claim 25. The Applicant reserves the right to further pursue the cancelled claim in a continuation and/or divisional application as well as for appeal purposes. In addition, the Applicant has added new Claims 26-30. Reconsideration in view of the following remarks is respectfully requested.

#### **Drawing Objection**

Applicant has amended Figure 2 and corresponding portion of the specification to recite reference numeral as 36'. Withdrawal of the objection is respectfully requested.

#### **Claim Objections**

Claims 21 is objected to because of the following informalities: regarding claim 21, -- the-- should be inserted after "forming" in line 18. Appropriate correction has been made and withdrawal of the objection is respectfully requested.

#### **The 35 U.S.C. § 112, Second Paragraph Rejection**

Claims 5, 20-22 and 25 stand rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. This rejection is respectfully traversed. However, to expedite prosecution of the present application, Applicant has amended Claims 5, 20-22 and has cancelled Claim 25. Withdrawal of the rejection is respectfully requested.

Rejection under U.S.C. § 102

Claim 20 stands rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,026,572 to Yoshioka. The Applicant respectfully traverses.

According to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102(a), (b) and (c) only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.

Yoshioka describes means for isolating a vibration or a shock, comprising means for receiving the load, means for supporting the load receiving means rotatably about an axis thereof, and means for allowing a movement of said first axis along a circular path about a second axis spaced from and parallel to the first axis.

In Yoshioka, reference character 8 does not designate a suspended structure. In particular, it is stated in Yoshioka, “The shaft 3a is secured to the opposite ends thereof to mating holes 2d in support housing 2 mounted on a **foundation 8.**” (Yoshioka, Column 8, Lines 5-7) (emphasis added). This is further supported in Figure 31 which specifically shows reference numeral 8 being a foundational surface and not a suspended structure, as recited in Claim 20.

It is stated in the office action that Yoshioka discloses that the first and second parts 4j, 4f have one rotatable degree of freedom that is fixed along the hinge pin axis. It is argued in the office action that Yoshioka apparently teaches that the degree of freedom is temporally fixed when there is no motion with respect to at least one of the eccentric members 4f, 4j (see column 20, lines 20-24). Applicant respectfully disagrees that Yoshioka teaches this limitation in Claim 20, but have amended Claim 20 to indicate that the first and second parts have one rotatable degree of freedom that is fixed along the hinge pin axis during rotation. For at least these reasons, Claim 20 is distinguishable over Yoshioka and therefore is in condition for allowance.

First Rejection under 35 U.S.C. § 103

Claims 7-11 and 19 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 1,900,081 to Swerer. Claim 24 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Swerer, as applied to claims 7-11 and 19 and further in view of U.S. Patent No. 5,580,201 to Brilmyer. These rejections are respectfully traversed.

In determining obviousness four factual inquiries must be looked into in regards to determining obviousness. These are determining the scope and content of the prior art; ascertaining the differences between the prior art and the claims in issue; resolving the level of ordinary skill in the pertinent art; and evaluating evidence of secondary consideration. Graham v. John Deere, 383 U.S. 1 (1966); KSR Int'l Co. v. Teleflex, Inc., No 04-1350 (U.S. Apr. 30, 2007) (“ Often, it will be necessary . . . to look into related teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an **apparent reason** to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis **should be made explicit.**”) (emphasis added).

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. Stratoflex, Inc. v. Aeroquip Corp., 713 F.2d 1530 (Fed. Cir. 1983). Thus, when considering the whole prior art reference its entirety, portions that would lead away from the claimed invention must be considered. W.L. Gore & Associates, Inc. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983), See M.P.E.P. 2141.02. Thus, it

is improper to combine references where the references teach away from their combination. In re Grasselli, 713 F.2d 731 (Fed. Cir. 1983).

Swerer, US 1,900,081 teaches a door hinge adapted for a wooden door which tends to expand or contract with changes in temperature and humidity conditions. The Swerer hinge includes sleeves 3, 6 located one above the other along a generally vertical axis, and a hinge pin extending through the sleeves. In order to make the hinge adjustable according to the expansion or contraction of the wooden door, the hinge pin is rotated in the sleeves.

One skilled in the art would have no motivation to use Swerer alone or in combination with another reference in reaching the claimed subject matter of Claims 23 and 24. Swerer is an adjustable door hinge, and one skilled in the art would still consider Swerer's invention as a door hinge, regardless of its orientation. In other words, it is never suggested in Swerer that a door hinge structure could be used to replace a shackle for attaching a suspended structure under a load bearing support structure. For at least these reasons, one skilled in the art would not find the requisite motivation to use Swerer to obviate the subject matter in Claims 23 and 24. For at least these reasons, Claims 23 and 24 are non-obvious over Swerer alone or in combination with another reference.

### Third Rejection under 35 U.S.C. § 103

Claim 21 stands rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Yoshioka in view of U.S. Patent No. 3,529,790 to Buch. This rejection is respectfully traversed.

Applicant submits that Claim 21 would not be considered obvious over Yoshioka and Buch. Yoshioka concerns a means for isolating a vibration or a shock, such as a device for preventing a vibration or a shock applied on a loaded housing from being transmitted to a support housing. This result is obtained by allowing motion of the support axis of the loaded

housing along a circular path about a line parallel to the axis of rotation of the loaded housing. Thus, the support axis in Yoshioka must be rotatable with respect to at least one of the eccentric members. This is clearly contrary to the claimed subject matter in Claim 21 and a person having ordinary skill in the art would not have considered Yoshioka as suggesting a possible solution to this problem. For at least these reasons, Claim 21 is not obvious over Yoshioka and Buch. Allowance of Claim 21 is respectfully requested.

#### Fourth Rejection under 35 U.S.C. § 103

Claim 23 stands rejected under 35 U.S.C. § 103(a) as being allegedly obvious by European Patent Application 0 016 270 to Douglas in view of U.S. Patent No. 4,726,603 to Sugiyama et al. (hereinafter “Sugiyama”). This rejection is respectfully traversed.

Douglas relates to attitude setting devices of a mounted member adjustably mounted on a base member. In the embodiment of Figure 15, the adjustable member is a sleeve 74. Two rotatable eccentric sleeves 72, 73 are mounted within the sleeve 74 via two ball roses 75, 76 having spherical bearings. The eccentric sleeves 72, 73 are fixed by means of a nut received on the end of a pin 50 extending through said sleeves. The inclination  $\alpha$  of the axis of the sleeve 74 can thus be adjusted. Clearly, Douglas does not teach or suggest a load bearing support structure and a suspended structure articulated about a horizontal axis. Therefore, Douglas does not teach or suggest each and every element/limitation of the assembly of claim 23. For at least these reasons, a *prima facie* case of obviousness has not been established, and allowance of Claim 23 is respectfully requested.

Subject Matter Indicated Allowable and New Claims

Applicant gratefully acknowledges the indication of allowance of claims 5, 22 and 25, subject to correction of the 35 U.S.C. §112 issues outlined in the Office Action and to their re-writing in independent form. Claims 26-30 have been added in which new Claim 26 overcomes the rejection to cancelled Claim 25. Claim 27 recites the limitations in Claim 19 and dependent Claim 5. Additionally, Claim 28 recites the limitation in Claim 19 and dependent Claim 26. The Applicant believes that New claims 26-30 are fully supported by the specification and no new matter has been added.

Specifically, Claim 27 recites an assembly comprising: a load bearing structure having a first circular member rotatable about a horizontally oriented first axis, the first circular member having a first aperture; a suspended structure comprising two plates parallel to each other between which the load bearing structure is placed, each of the two plates of the suspended structure having a second circular member rotatable about a common horizontally oriented second axis, and each of the second circular members having a second aperture; a coupling member received in said first and second apertures to couple the suspended structure to the load bearing structure with the first axis adjacent to the second axis, the coupling member being oriented along a third axis parallel and adjacent to the first axis and the second axis, wherein the first and second circular members are unable to rotate with respect to one another about the third axis and the second axis is offset vertically upwards from the first axis; rotation prevention means provided between the coupling member and each of the first and second circular members, said rotation prevention means being configured to prevent any relative rotation therebetween; and intermediate parts forming ball joint cages fixed in each of the two plates of the suspended structure, second spherical surfaces being formed between the ball joint cages and the second circular members.

Additionally, Claim 28 recites an assembly comprising: a load bearing structure having a first circular member rotatable about a horizontally oriented first axis, the first circular member having a first aperture; a suspended structure comprising two plates parallel to each other between which the load bearing structure is placed, each of the two plates of the suspended structure having a second circular member rotatable about a common horizontally oriented second axis, and each of the second circular members having a second aperture; a coupling member received in said first and second apertures to couple the suspended structure to the load bearing structure with the first axis adjacent to the second axis, the coupling member being oriented along a third axis parallel and adjacent to the first axis and the second axis, wherein the first and second circular members are unable to rotate with respect to one another about the third axis and the second axis is offset vertically upwards from the first axis; and rotation prevention means provided between the coupling member and each of the first and second circular members, said rotation prevention means being configured to prevent any relative rotation therebetween, wherein first spherical surfaces are formed between the load bearing structure and the first circular member, said first spherical surfaces defining a first ball joint connection between the load bearing structure and the coupling member, and second spherical surfaces are formed between the second circular members and the two plates of the suspended structure, said second spherical surfaces defining a second ball joint connection between the suspended structure and the coupling member.

Considering that the objected to limitations of Claims 5 and 25 have been incorporated with Claim 19 into new Claims 27 and 28, Claims 27 and 28 are now in condition for allowance, and allowance is respectfully requested.

Conclusion

It is believed that this reply places the above-identified patent application into condition for allowance. Early favorable consideration of this reply is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Please charge any additional required fee or credit any overpayment not otherwise paid or credited to our deposit account No. 50-3557.

Respectfully submitted,

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